

CHAPTER SIX

VEHICLES AND TRAFFIC

6.02.010 Short Title. BC 6.02.010-900 shall be known and may be cited as the "Beaverton Uniform Traffic Ordinance" and may also be referred to as "this ordinance". [BC 6.02.010, amended by Ordinance No. 4053(1), 8/3/99]

6.02.020 Applicability of State Traffic Laws.

A. Violation of a provision of the Oregon Vehicle Code, as now constituted, is an offense against this city, punishable as provided by state law.

B. A reference in any ordinance, resolution, Code section or regulation of the City to any section of the Oregon Revised Statutes repealed by Oregon Laws 1983, Chapter 338, Section 978, or Oregon Laws 1985, Chapter 16, Section 475, is deemed a reference to the comparative section of Oregon Laws 1983, Chapter 338, Sections 1-981, and Oregon Laws 1985, Chapter 16, Sections 1-477, as shown in "Introduction to Oregon Vehicle Code 1986-87," prepared by the Judicial Education Committee of the Oregon Judicial Conference. [BC 6.02.020, amended by Ordinance No. 3342, 10/24/83; Ordinance No. 3467, 9/17/85; Ordinance No. 3478, 12/17/85; Ordinance No. 3511, 6/4/86; Ordinance No. 3579, 9/22/87; Ordinance No. 3692, 10/9/89; Ordinance No. 3791, 10/7/91; Ordinance No. 3869, 11/1/93; Ordinance No. 3946, 12/18/95; Ordinance No. 4009, 6/16/98; Ordinance No. 4108, 5/8/00; Ordinance No. 4196(23), 2/11/02; Ordinance No. 4307, 5/11/04]

6.02.030 Definitions.

A. In addition to those definitions contained in the Oregon Vehicle Code, the following mean:

Abandoned Vehicle - A vehicle left in circumstances demonstrating its owner never intends to return.

A. A motor vehicle shall be deemed an Abandoned Vehicle under this definition if it remains upon any street or public property for a period in excess of 48 hours and the motor vehicle:

1. Reasonably appears incapable of self-propulsion; or
2. Does not display a current registration plate or a current trip permit; or
3. Is on a street and is not registered to a person at the address of property on the same side of the street that abuts the part of the street upon which the motor vehicle is located; or
4. Is on public property other than a street without the consent of the owner, occupant and any other person in lawful possession of the public property.

B. A trailer shall be deemed an Abandoned Vehicle under this definition if it remains upon any street or public property for a period in excess of 24 hours and:

1. The trailer does not display a current registration plate or a current trip permit, unless exempt from registration under provision of Oregon law; or
2. Is on a street and no right of control over the trailer exists in a person or relative of a person who owns property or resides at property that is on the same side of the street that abuts the part of the street upon which the trailer is located; or
3. Is on public property other than a street without the consent of the owner, occupant and any other person in lawful possession of the public property.

Block - That portion of street frontage on one side of the street between two intersecting streets.

Bus stop - A space on the edge of a street designated by sign for use by buses loading or unloading passengers.

Business district - Any area of the City designated as a commercial district by the Development Code.

Discarded vehicle - A vehicle that is inoperable or not currently licensed. For purposes of this definition a vehicle includes, but is not limited to, the major parts of the vehicle, such as the body, the engine, the transmission or the rear end. [Added by Ordinance No. 3278, 8/17/82; amended by Ordinance No. 4053, 8/3/99]

Driveway - Any alley or access drive to public or private property from a street. The term driveway shall include all portions of the curb that have been sloped, tapered and/or depressed to accommodate vehicle movement.

Emergency - For purposes of BC 6.02.320, a situation where an unforeseen combination of circumstances calls for immediate action in order to avoid damage to a vehicle or where a vehicle was rendered inoperable, but does not include a situation where the vehicle is left standing in excess of 24 hours.

Holiday - New Year's Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and any other day designated by the Council to be a holiday.

Loading zone - A space on the edge of a street designated by sign for the purpose of loading or unloading passengers or materials during specified hours of specified days.

Mayor - The mayor or the mayor's designee.

Motor vehicle - A vehicle that is self-propelled or designed for self-propulsion.

Parade - A gathering of at least ten persons or ten vehicles or both traveling more than 100 feet on public streets, sidewalks or alleys for a common purpose of public demonstration.

Police chief - The chief of the police department or the police chief's designee.

Street - Every public way, road, highway thoroughfare and place, including bridges, viaducts and other structures, open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right.

Taxicab stand - A space on the edge of a street designated by sign for use by taxicabs.

Traffic lane - That area of the street used for the movement of a single lane of traffic.

Vehicle - Any device in, upon or by which any person or property is or may be transported or drawn upon a street and includes vehicles that are propelled or powered by any means. [BC 6.02.030, amended by Ordinance No. 3971, 1/7/97; amended by Ordinance No. 4053(2), 8/3/99; Ordinance No. 4223(1), 8/19/02]

TRAFFIC ISSUE PROCESS

6.02.050 Title and Purpose. The purpose of this ordinance is to authorize the City Traffic Engineer and Traffic Commission to approve and direct the implementation of restrictions and other devices, such as warnings, on public roadway use that are determined necessary and in the public interest. Such authority is subject to review and approval by the City Council in accordance with procedures established herein. This ordinance shall be known and may be referred to herein as the "Traffic

Issue Process". [BC 6.02.050, added by Ordinance No. 4026, passed 11/5/98]

6.02.055 Definitions. For purposes of this ordinance the following terms are defined:

A. City Traffic Engineer - The City employee designated by the Mayor to perform the functions of City Traffic Engineer under this ordinance, or the City employee assigned by the City Traffic Engineer to perform such functions.

B. Development review issue - A development review issue is any issue involving parking restrictions, traffic calming devices or restrictions to traffic operations that has been proposed in a development application, or imposed or approved through the design review process by the Facilities Review Committee, the Board of Design Review, the Planning Commission or the City Council.

C. Emergency Issue - Any traffic restriction, issue or condition which creates a substantial risk of loss, damage, interruption of public services or threat to public health or safety that could not have been reasonably foreseen and requires prompt response to remedy the condition, and which, had it been reasonably foreseen, would have been a major issue.

D. Extreme Hazard - An emergency issue that represents a serious hazard or immediate threat to the safety of all persons using the public roadway.

E. Minor Issue - A minor issue is any traffic control issue that is not a major issue and not a development review issue. Minor issues include but are not limited to:

1. Approval of the installation of warning signs, directional signs, and signs giving notice of existing laws;
2. Approval of design details for traffic controls to implement the direction of the City Council, to implement Traffic Commission recommendations approved by the City Council or to comply with State or Federal regulations;
3. Approval of design details for traffic controls on new facilities which have been authorized by the Facilities Review Committee, the Board of Design Review, the Planning Commission or the City Council;
4. Parking restrictions, traffic calming or restrictions to traffic operations imposed for a period of less than 30 days to control traffic during special events or during periods of construction on or adjacent to the roadway;
5. Approval of parking restrictions that extend for a distance of less than 50 feet along a street.

F. Major Issue - A major issue is any issue involving parking restrictions, traffic calming devices or restrictions to traffic operations except development review issues and traffic controls installed for a period of less than 30 days' duration. A "Major issue" includes, but is not limited to:

1. Parking restrictions, provided such restrictions extend for at least 50 feet along a street.
2. Restrictions to traffic movements, such as one-way roadways and turn prohibitions;
3. Assignment of right-of-way at an intersection by the installation of STOP signs or YIELD signs or similar restrictions;
4. The control of traffic at any location by the means of traffic signals;
5. Establishment of speed limits, including recommendations on speed limits provided to other agencies to establish speed limits;
6. Restrictions to the use of a public roadway by any kind or class of vehicle or by pedestrians;
7. Establishment of truck routes;

8. Installation of a crosswalk at a location not controlled by a STOP sign, YIELD sign, or traffic signal;
 9. Prohibition or restriction to pedestrian crossing;
 10. Prohibition of vehicle passing;
 11. Establishment of a school zone where reduced speed limits are established during designated times;
 12. Installation of traffic calming devices;
 13. Closure of an existing roadway;
 14. Restrictions of existing access to adjoining properties;
 15. Installation of pavement markings or other devices to delineate traffic lanes or bicycle lanes on a roadway where traffic lanes have not previously been delineated;
 16. Designation or modification of a residential permit parking district.
 17. Citywide policies on traffic; and
 18. Any issue referred to the Traffic Commission by the City Council, the Mayor or the City Traffic Engineer.
- G. Residential permit parking district - A geographic area within the City designated as a permit parking district.
- H. Traffic calming - The installation of speed bumps, traffic circles or similar devices intended to discourage speeding or to discourage through traffic.
- I. Traffic controls - All signs, signals, markings, and devices placed on, over, or adjacent to a roadway to regulate, warn, or guide traffic or to regulate parking. [BC 6.02.055, added by Ordinance No. 4026, 11/5/98; amended by Ordinance No. 4205(1)(2), 5/13/02]

6.02.060 Standards.

- A. Decisions by the City Traffic Engineer, Traffic Commission and City Council shall be based on the following standards and criteria:
1. All proposed traffic control devices, all proposed restrictions to traffic operations or parking, and all proposed traffic calming features governed by this ordinance shall endeavor to:
 - a. provide for safe vehicle, bicycle and, where allowed, pedestrian movements;
 - b. help ensure orderly and predictable movement of vehicles, bicycles and pedestrians;
 - c. meet the overall circulation needs of the City;
 - d. accommodate the parking needs of residents and businesses in a safe and equitable fashion;
 - e. assure safe access and reasonable response times for emergency vehicles;
 - f. be structurally suitable for all intended purposes;
 - g. carry anticipated traffic volumes safely; and
 - h. comply with Federal and State regulations.
 2. All proposed new traffic devices shall be based on the standards of the "Manual on Uniform Traffic Control Devices (MUTCD)" and the "Oregon Supplements to the Manual on Uniform Traffic Control Devices" as adopted or in effect at the time of consideration of the issue;
 3. All decisions shall comply with officially approved policies of the City Council, including but not limited to policies and objectives set forth in the City's Comprehensive Plan.
- B. The City Traffic Engineer shall decide issues of street design. [BC 6.02.060, added by Ordinance No. 4026, 11/5/98]

6.02.065 Procedures.

A. General. A person who wishes to propose new traffic controls or revisions to existing traffic controls shall present such proposal in writing to the City Traffic Engineer in accordance with this section. Alternatively, consideration of new traffic controls or changes to existing traffic controls may be initiated by motion of the City Council or the Traffic Commission or by the City Traffic Engineer. The procedures to be followed for making a decision on a traffic issue depend on the category of issue involved. The City Traffic Engineer shall decide in what category an issue falls. The process to be followed for categories of traffic issues is as set forth in this subsection.

1. Minor Issues. Any issue that qualifies as a minor issue shall be reviewed by the City Traffic Engineer. Where there is a request for review of a minor issue, the City Traffic Engineer shall provide a written response that shall include an explanation of any action taken or recommended and the reasons therefor. The City Traffic Engineer shall send a copy of the written response to the requesting party by regular mail. Where no request is received for review of the decision, the City Traffic Engineer's decision is the final City decision on minor issues. Any person may appeal the decision of the City Traffic Engineer on an issue to the Traffic Commission. Such appeal must be in writing, must include a reference to the subject and date of the City Traffic Engineer's written response and the grounds for objecting to the City Traffic Engineer's decision. Unless the appeal is submitted by a member of the City Council or the Traffic Commission, a fee as established by resolution of the Council to cover the cost of processing and presenting the matter to the Traffic Commission shall accompany the appeal. Review by the Traffic Commission shall be conducted in the same manner as review of major issues. The written decision of the Traffic Commission shall be placed on the City Council's agenda for consent or for Council, by motion, to review the matter. Council action on the proposal is the final decision.

2. Major Issues. Any proposal that qualifies as a major issue shall be scheduled by the City Traffic Engineer for review by the Traffic Commission. Prior to Traffic Commission review, the City Traffic Engineer shall provide an opportunity for review of each major issue by the Police Chief, the Operations Director and the Fire Marshal or their designees. All written comments received shall be sent to the Traffic Commission. The issue shall be scheduled for a public hearing before the Traffic Commission if the City Traffic Engineer determines that a public hearing is appropriate or if the Traffic Commission directs that the matter be scheduled for a public hearing or if any person makes written request to the City Traffic Engineer for a public hearing. The procedure for the conduct of such hearing shall be as set forth in subsection B. If no public hearing is scheduled, the matter may be approved on the consent agenda of the Traffic Commission and sent to the City Council for final approval.

3. Emergency Issue. Any issue that qualifies as an emergency issue may be scheduled for review by the City Council without the Traffic Commission first reviewing the matter, if the Mayor deems such action to be in the public interest. Notice of Council consideration shall be provided in accordance with requirements of State law for announcing a meeting of the City Council. Notice of the Council consideration of such issue shall also be provided by regular mail or other methods designed to give advance notice to the Traffic Commission and the chair of each NAC directly affected by the proposed action.

4. Extreme Hazard. Any issue that qualifies as an extreme hazard may be determined immediately by any of the following officials: the City Traffic Engineer, the Operations Director or the Mayor without prior review or consideration by the Traffic Commission or the City Council. The official taking action under this provision shall as soon as practicable thereafter, but no later than 48 hours, advise the other officials and the City Council of such action and the circumstances. Within 90 days after notifying the City Council, any traffic controls installed under the extreme hazard process shall be removed unless the City Traffic Engineer has scheduled the issue for review by the Traffic

Commission. In the event of a fire or other public emergency, officers of the Police Department or the Fire District may direct traffic as conditions require, notwithstanding the provisions of this ordinance.

B. Hearings. The following procedures shall govern the conduct of hearings by the Traffic Commission and on appeal from Traffic Commission decisions, by the City Council, except as otherwise specifically provided.

1. Notification. Except as otherwise provided in subsections A and F of this section, notice of the hearing shall be provided at least twenty (20) days before the hearing in the following manner:

a. by regular mail to the person who submitted the proposal or appealed the City Traffic Engineer's response to the proposal, to the chair of the NAC whose boundaries include or are adjacent to the location of the proposed action, to any person who has requested notice, and by internal distribution to members of the City Council;

b. by posting at City Hall, the City Library and the Beaverton (central) Post Office;

c. by publication in a newspaper of general circulation within the City; and

d. by posting at or near the site of the proposed action with signs of sufficient number, size and location so as to be visible to a passing motorist.

Failure to provide notice in the manner set forth herein shall not invalidate any action or decision made by the decision-maker.

2. Notice Contents. Notice shall include the nature of the proposed change; date, time, place and purpose of the hearing; and the name and telephone number of the City staff person who may be contacted to obtain additional information.

3. Conduct of the Hearing. The Chair, or the Chair's designee, shall open the hearing by stating the general nature of the proposal followed by a summary of these procedures. Written minutes of the hearings body's proceedings shall be prepared, approved and maintained. Minutes shall accurately reflect the names of hearings body members present, the substance of any matter discussed and views of participants and the vote and result of any motion or other action. The hearings body may by rule establish time limits on testimony to be observed during a hearing, subject to the right of the Chair, with the hearings body's consent, to amend or waive the time limits. As a general guideline, if the Chair decides to increase or decrease the time limits for testimony, the Chair shall do so in equal proportion for both the person who submitted the proposal or appeal and the person who opposes the proposal. An audio recording shall be made of each meeting.

The Chair shall next call for presentation of the City Traffic Engineer's report. The City Traffic Engineer's report shall list the applicable substantive criteria and shall explain the reasons behind the recommendation, or decision in the case of an appeal.

The Chair shall state that evidence and testimony must be directed to the criteria in section 6.02.060, determined to be applicable by the City Traffic Engineer or other criteria, current City, Metro, Tri-Met, State of Oregon or Federal laws or policies, which the person believes to apply to the decision.

The Chair shall call for testimony from the person who submitted the proposal or the person who appealed the City Traffic Engineer's or Traffic Commission's response to the proposal.

The Chair shall call for evidence or testimony from other interested parties.

Prior to the conclusion of the hearing, any participant may request a continuance of the hearing for the purpose of presenting additional evidence or testimony regarding the application. The hearings body upon its own motion may continue the hearing to a time and date certain. No additional notice of a continued hearing is required if the hearings body announces the continuation of the hearing to a date, time and place certain. The decision on whether to continue the hearing rests solely with the hearings body.

At the conclusion of the deliberations, the hearings body shall

make an oral decision to approve, approve with conditions or deny the proposal or the appeal of the proposal based upon the applicable standards and criteria and the evidence and testimony in the record. The hearings body may also refer the matter to the City Traffic Engineer for further review and may retain jurisdiction over the decision. The hearings body's oral decision is not a final decision. At any time prior to the adoption of the final order pursuant to paragraph 4 of this subsection, the hearings body may, after approving a motion to reconsider, modify or change the oral decision or choose to reopen the hearing, or both.

4. A final written order of the Traffic Commission decision shall be signed by the Chair on behalf of the Commission. The final written order shall consist of a brief statement that explains the criteria and standards considered relevant, states the facts relied upon in rendering the decision and explains the justification for the decision based upon the criteria, standards and facts set forth. The order shall also contain or incorporate by reference any conditions of approval deemed necessary or appropriate by the hearings body. A proposed order may be prepared by the City Traffic Engineer or by the prevailing party subject to review and approval of the City Traffic Engineer.

5. In the absence of a properly filed Notice of Intent to Appeal, the Traffic Commission's decision shall appear on the City Council's agenda as a consent item following the expiration of the appeal period. Upon approval by the Council, the decision shall be considered final. Prior to approval, the City Council may, by motion, decide to conduct its own hearing. Any hearing by the City Council shall be in accordance with Subsections E through H of this Section.

6. Notice of the Traffic Commission's decision shall be sent by regular mail to the person who submitted the proposal or appeal of the proposal and to all persons who testified either orally or in writing before the hearings body. The notice shall be sent within 3 calendar days after the signing of the final written order by the Chair. The notice shall include the date (of the notice), a brief summary of the final decision, a geographical reference to the location of the traffic issue, a statement that a copy of the final written order is available for review at City offices and in the case of notice of a Traffic Commission decision, a statement that the decision may be appealed by filing a written Notice of Intent to Appeal with the City Recorder within ten calendar days of the date of the final written order and a reference to the requirements for filing a Notice of Intent to Appeal contained in subsection C of this section.

C. Appeals to the City Council. A final decision of the Traffic Commission may be appealed to the City Council by the person who submitted the proposal or the appeal of the proposal or by any person who appeared before the Traffic Commission either orally or in writing regarding the proposal. An appeal shall be made by filing a Notice of Intent to Appeal with the City Recorder within ten (10) days of the date of the Traffic Commission's final written order. A Notice of Intent to Appeal shall be in writing and shall contain:

1. A reference to the proposal, the number and date of the final written order;

2. A statement that demonstrates that the appellant is the person who submitted the proposal or appeal of the proposal, or appeared either orally or in writing in front of the Traffic Commission;

3. The name, address, and signature of the appellant or the appellant's representative;

4. An appeal fee as established by resolution of the Council, unless the appeal is filed by the Mayor or a local government agency or unless the fee is waived by motion and order of the City Council; and

5. A discussion of the specific issues raised for Council's consideration and the specific reasons why the appellant contends that the decision by the Traffic Commission is incorrect or not in conformance with the applicable criteria.

D. Rejection of Appeals. The City Recorder shall reject the appeal if it is not filed within the 10-day appeal period or in the proper form or does not include the filing fee, as required by or set forth in subsection C of this section. If the City Recorder rejects an appeal, the City Recorder shall so notify the appellant by regular mail. Such notification shall include a brief explanation of the reason why the City Recorder rejects the appeal. The decision of the City Recorder to reject an appeal pursuant to this section is a final City decision as of the date of the letter and is not subject to appeal to the Traffic Commission or the City Council. The appellant shall be allowed to correct a failure to comply with subsection C of this section, if the correction can be made and is made within the 10-day appeal period provided in subsection C of this section.

E. Record of Proceedings. Following receipt of a Notice of Intent to Appeal filed in compliance with subsection C of this section, the City Traffic Engineer shall prepare a record for Council review containing:

1. all staff reports and memoranda prepared regarding the proposal that were presented to the Traffic Commission;
2. minutes of all Traffic Commission proceedings at which the proposal was considered;
3. all written testimony and all exhibits, maps, documents or other written materials presented to the City Traffic Engineer and the Traffic Commission during the proceedings on the proposal; and
4. the final written order of the Traffic Commission.

A transcript of the Traffic Commission proceedings is not required, however any person who appeared before the Traffic Commission may prepare a certified transcript of all or any part of the Traffic Commission proceedings at that person's own expense, and such certified transcript shall be accepted into evidence and considered by the City Council.

F. Notice of Appeal Hearing. Except for an emergency action, written notice of the appeal hearing before the City Council shall be sent by regular mail no later than 14 days prior to the date of the hearing to the appellant, the person who submitted the proposal if different from the appellant, and all persons who testified either orally or in writing before the Traffic Commission. In the case of an emergency action, notice shall be given by publication in a newspaper of general circulation at any time prior to the start of the hearing. Notice contents shall be in accordance with subsection B.2 of this section. In addition, the notice shall state that a copy of the decision being appealed, the proposal and all documents and evidence contained in the record and the applicable criteria are available for inspection at no cost and will be provided at reasonable cost; and include a general statement of the requirements for submission of testimony and procedure for conduct of the hearing.

G. Scope of City Council Review of Appeals. City Council review of appeals shall be on the record. Any person may testify before the City Council, but testimony will be limited to issues previously raised before the Traffic Commission. Council on its own motion may hold a de novo hearing that would allow new evidence to be presented.

H. Conduct of the Appeal Hearing. The Council shall conduct a hearing on appeal in accordance with Beaverton Code 2.11.010. The Council may affirm, reverse, modify in whole or in part, affirm the proposal with one or more conditions or remand the action or decision of the Traffic Commission. A final written order of the Council shall be prepared and presented to the Council for approval. [BC 6.02.065, added by Ordinance No. 4026, 11/5/98; amended by Ordinance No. 4225(2), 9/9/02]

6.02.070 Existing Traffic Control Devices. Official traffic control devices installed prior to the adoption of this ordinance are lawfully authorized. [BC 6.02.070, added by Ordinance No. 4026, 11/5/98]

6.02.075 Road Closures.

A. Procedure. A request for a road closure shall be processed as a major issue under BC 6.02.065 A.2, unless the request is part of a development review issue as defined in BC 6.02.055.

B. Eligibility Criteria. In order to recommend a road closure, the Traffic Commission must find that the road closure meets all of the

following eligibility criteria in addition to the standards of BC 6.02.060 A.:

1. The subject road is classified in the Comprehensive Plan as a Alocal@ street.

2. Documentation has been submitted indicating that neighborhood users of the street support the proposed road closure. The documentation shall include written expressions of interest or a record of testimony at a public meeting. Neighborhood user of the street is defined as a person who, from their trip origin, can enter or use the subject street or street section without first traveling on or crossing a collector or arterial street.

3. A change in traffic patterns has substantially increased traffic volumes beyond acceptable levels that could not have been reasonably anticipated, or has created a substantial safety issue that cannot be resolved by other means.

4. Closure of the subject street will not substantially increase the traffic volumes on other local streets, will not substantially diminish safety on other streets, and will not substantially increase vehicle miles traveled.

C. Survey. If the Traffic Commission and City Council determine that a road closure request satisfies the standards and criteria for closure, a survey shall be conducted by the City to verify the extent of support from neighborhood users of the street. The survey area shall be conclusively determined by the City Traffic Engineer prior to the commencement of the survey, and shall generally include all properties where a person from their trip origin can enter or use the subject street or street section without first traveling on or crossing a collector or arterial street. For each tax lot within the survey area, one person may respond as a representative of the property owner(s). In addition, for each residential unit and each business in the survey area, if the occupant of the unit is not the property owner, one person may respond as a representative of the tenant(s) of the unit.

1. The City shall mail a response form to all the identified property owners, households, and business owners in the survey area. The response form shall provide a place for a respondent(s) to indicate whether the respondent favors or opposes the proposed closure and shall include a deadline of 30 days from the City=s mailing date for return of the response form. The mailing shall also include a description of the proposed road closure and a neutral list of arguments for and against the proposed road closure. Failure of any person to receive a response form shall not invalidate survey results.

2. The road closure will continue to be considered only if responses in favor of the proposal are received from at least two-thirds of all those who were mailed a response form.

D. Test Period. If the results of the survey indicate that at least two-thirds of all those who were mailed a response form support the proposed road closure, the street shall be closed for a test period of at least 120 days. The test period shall be conducted at a time that, in the opinion of the City Traffic Engineer, reflects peak traffic volumes on weekdays, weekends, and seasonable peaks as appropriate.

E. Request for Permanent Closure. Following the 120-day test period, the City Traffic Engineer shall initiate a request for permanent street closure to be considered as a major issue under BC 6.02.065 A.2. [BC 6.02.075, added by Ordinance No. 4096, 3/27/00]

6.02.080 Designation of a Residential Permit Parking District or Amendment of an Existing Residential Permit Parking District.

To protect residential areas from polluted air, excessive noise, and refuse related to use of motor vehicles by persons not residing in such residential areas, to protect residents of such areas from unreasonable burdens in gaining access to and from their residences, to preserve the residential character of these areas, and to enable timely emergency services, the City may designate and from time to time amend residential permit parking districts in accordance with this section.

A. Procedure.

1. A request to designate a residential permit parking district

or amend an existing residential permit parking district shall be processed as a major issue.

2. If a request is received, the City shall initiate the required studies in subsection C of this section to determine if the proposed area meets the standards.

B. Fees.

1. For each residential permit parking district established under this section, the Traffic Commission shall recommend a parking permit fee based on the cost to implement and administer the district.

2. The final written order shall include the fee.

3. The fee shall not exceed the City's costs to administer and enforce the permit program.

C. Standards. In addition to the standards of BC 6.02.060 A, designation of a residential permit parking district or amendment to an existing district shall require the following findings:

1. The boundary of the proposed residential permit parking district or amendment to an existing district includes one or more public streets and all properties abutting the street(s) to be shown by a text description and a drawing.

2. At least 75% of the available parking spaces on the public streets within the proposed district boundaries are occupied at least four days per week for at least 16 weeks in any 52-week period. If parking spaces are not marked, the City shall determine the number of available parking spaces.

3. Designation of a residential permit parking district or an amended designation will not diminish traffic safety, substantially increase vehicle miles traveled, or cause occupancy of available parking spaces in any adjacent residential area to rise to the levels stated above in item 2 of this subsection.

4. A survey conducted by the City shows that persons representing the owners of at least two-thirds of all residential properties within the district have responded in favor of the proposal. The survey shall include both a textual and graphic description of the proposed district boundary, and shall be mailed to the owner of record for each property. Only one response shall be accepted for each residential property within the proposed district. The survey area for an amended designation shall be limited to only those properties within the proposed amended area.

a. The survey form shall solicit responses in favor or in opposition to the proposal.

(i) The response form shall also include the option to abstain from supporting or opposing the proposal.

(ii) When the respondent chooses to abstain, that property shall be deducted from the total number of properties prior to calculating the two-thirds majority.

(iii) Responses that do not show if the respondent favors or opposes the proposed district shall not be counted in determining the required majority.

(iv) A response must be received no later than 30 days from the date of mailing to be counted.

b. Failure of any person to receive a response form shall not invalidate survey results.

D. Obtaining a Residential Parking Permit. A person wishing to obtain a vehicle parking permit authorized by this subsection shall abide by the applicable provisions of BC 6.02.390. [BC 6.02.080, added by Ordinance No. 4205(3), 5/13/02]

(Reserved)

ADMINISTRATION

6.02.100 Powers of the Council. Subject to state laws, the Council

shall exercise all municipal traffic authority for the City except those powers specifically and expressly delegated herein or by another City ordinance or Code section.

6.02.110 [BC 6.02.110, repealed by Ordinance No. 4026, 11/5/98]

6.02.120 [BC 6.02.120, repealed by Ordinance No. 4026, 11/5/98]

6.02.130 [BC 6.02.130, repealed by Ordinance No. 4026, 11/5/98]

6.02.140 [BC 6.02.140, repealed by Ordinance No. 4026, 11/5/98]

6.02.150 [BC 6.02.150, repealed by Ordinance No. 4026, 11/5/98]

(Reserved)

GENERAL REGULATIONS

6.02.200 Rules of the Road. In addition to state law, the following shall apply to the operation of vehicles upon the streets of the City:

A. The operator of a vehicle shall not back the vehicle unless the movement can be made with reasonable safety and without interfering with other traffic, and shall yield the right of way to moving traffic and pedestrians.

B. The operator of a vehicle in the traffic lane shall have the right of way over an operator of a vehicle departing from a parking space.

C. No operator of a vehicle shall pull away from a curb or other parking area without giving an appropriate turn signal when other traffic may be affected.

D. Where a stop sign is erected at or near the entrance to an intersection, the operator of a vehicle approaching shall bring the vehicle to a stop before crossing a stop line or crosswalk; or, if none, then before entering the intersection. Stopping at a point which does not yield an unobstructed view of traffic on the intersecting street shall not constitute compliance with the requirements of this subsection.

6.02.205 Earphones. No person shall operate a motor vehicle or bicycle upon a highway as defined in ORS 481.020 while one or both of the person's ears are covered or occupied by headphones or earphones. [BC 6.02.205, added by Ordinance No. 3469, 10/8/85]

6.02.210 Crossing Private Property. No operator of a vehicle shall proceed from one street to another street by crossing private property. This provision shall not apply to the operator of a vehicle who stops on the property for the purpose of procuring or providing goods or services.

6.02.215 Exhaust Brakes. No person shall use a compression braking system in conjunction with the operation of a motor vehicle, except for a person operating an emergency services vehicle (a fire engine or similar apparatus) equipped with a muffled exhaust braking system or except to avoid imminent danger to person or property. Compression braking systems, commonly found on trucks and busses and referred to as "Jake" brakes, convert an internal combustion engine into an air compressor for the purpose of slowing or stopping a vehicle with the use of wheel brakes. [BC 6.02.215, added by Ordinance No. 3470, 10/7/85; amended by Ordinance No. 3538, 10/21/86; Ordinance No. 4346, 4/4/05]

6.02.220 [BC 6.02.220 repealed by Ordinance No. 4258, 7/14/03]

6.02.230 Rollerskates, Sleds, etc. No person shall:

A. Use the streets for traveling on skis, toboggans, sleds, or similar

devices, except where authorized.

B. Use rollerskates or skateboards on sidewalks in the business district or on any street, except as authorized or except to cross at a crosswalk.

6.02.240 Damaging Sidewalks and Curbs.

A. The operator of a motor vehicle shall not drive upon a sidewalk, planter or decorative median strip, or street planting strip except to cross at a permanent or temporary driveway.

B. No unauthorized person shall place dirt, wood or other material in the gutter or space next to the curb of a street with the intention of using it as a driveway.

C. No person shall remove a portion of a curb or move a motor vehicle or device moved by a motor vehicle upon a curb or sidewalk without first obtaining authorization and posting bond if required. A person who causes damage shall be held responsible for the cost of repair.

6.02.250 Obstructing Streets.

A. No unauthorized person shall obstruct the free movement of vehicles or pedestrians using the streets.

B. No person shall park or stand a motor vehicle in such a manner that it constitutes a hazardous vehicle as defined in BC 6.05.010.

C. No person shall park or stand a vehicle upon or obstructing any street or other premises open to the public marked with a curb or surface marking, or posted with a sign, indicating the premises are set aside as a fire lane, fire apparatus access road, or access curb. [BC 6.02.250 amended by Ordinance No. 4321, 9/21/04]

6.02.270 Parks. No person shall ride a horse or operate or park a motor vehicle in any place in a City park or any other City owned property, except on a street, parking area, parking lot or a place designated by signs providing therefor.

6.02.280 [BC 6.02.280 repealed by Ordinance No. 4258, 7/14/03]

6.02.290 [BC 6.02.290 added by Ordinance No. 3620, 6/27/88, repealed by Ordinance No. 4258, 7/14/03]

(Reserved)

PARKING REGULATIONS

6.02.300 Method of Parking.

A. No person shall stand or park a vehicle in a street other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, and with the curbside wheels of the vehicle within 12 inches of the edge of the curb, except where the street is marked or signed for angle parking.

B. Where parking space markings are placed on a street, no person shall stand or park a vehicle other than in the indicated direction of the nearest lane of travel and, unless the size or shape of the vehicle makes compliance impossible, within a single marked space.

C. The operator who first begins maneuvering a motor vehicle into a vacant parking space on a street shall have priority to park in that space, and no other vehicle operator shall attempt to deprive the operator of that priority or block the access.

D. Whenever the operator of a vehicle is knowingly parked close to a building to which the fire department has been summoned, the operator shall immediately remove the vehicle from the area, unless otherwise directed by police or fire officers.

6.02.305 Prohibited Parking in Specified Places. No person shall stop, stand or park a motor vehicle, whether attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the

directions of a police officer or traffic control sign or signal in any of the following places:

A. Within fifty feet of any uncontrolled intersection or any intersection controlled with side-mounted stop signs, side-mounted yield signs, or side-mounted signals, except: 1) on one-way streets leaving an intersection, or 2) on streets otherwise signed, if:

1. the vehicle is over six feet in height, or
2. the vehicle is less than six feet in height,

but by manufacture or modification, obscures the vision of:

- a. any official side-mounted traffic control sign or signal;
- b. intersection traffic; or
- c. any pedestrian in a crosswalk.

Such vehicles described in subsection A2 are inclusive of, but not limited to:

Vehicles with darkened, shaded or curtained windows.

Vehicles modified to eliminate side window(s) and/or rear window(s).

Vehicles with visibility through windows blocked by parcels, packages, or freight.

Pickup vehicles of less than six feet in height but mounted with a canopy or camper with limited visibility through it.

Panel trucks with no side and/or rear window(s).

An "uncontrolled intersection" is one where there are no traffic regulating signs or signals.

6.02.310 Prohibited Parking or Standing. No person shall park or stand:

A. A vehicle in violation of state motor vehicle laws or on the public right of way in violation of a lawfully erected parking limitation sign.

B. A vehicle in an alley other than for the expeditious loading or unloading of persons or materials, and in no case for a period in excess of 30 consecutive minutes.

C. A motor truck as defined by the Oregon Vehicle Code on a street between the hours of 9:00 p.m. and 7:00 a.m. of the following day in front of or adjacent to a residence, motel, apartment house, hotel, or other sleeping accommodation.

D. A vehicle upon a bridge, viaduct, or other elevated structure used as a street or within a street tunnel unless authorized.

E. A vehicle upon a parkway or freeway, except as authorized.

F. A vehicle that has not been moved a distance of at least one-tenth of a mile within 72 hours.

1. Unless the court finds that a vehicle is parked such that interferes with or obstructs the free movement of traffic in or onto the street, it shall be an affirmative defense to a violation of subsection (F) that the owner or operator of the vehicle had the abutting property owner=s or occupant=s permission to park the vehicle on that portion of the street which abuts the owner=s or occupant=s property if the vehicle bears a license plate with a valid, unexpired registration sticker and is not a discarded vehicle.

G. A vehicle for a period in excess of a maximum parking time limit where so designated by sign or other marking. Where maximum parking time limits are designated by sign, movement of a vehicle within a block shall not extend the time limits for parking.

H. Unless otherwise indicated, a vehicle within 20 feet of an intersection except momentarily to pick up or discharge a passenger.

I. Any trailer house, camp trailer, mobile home, auto home, camp car, recreational vehicle, boat, boat trailer, utility trailer, or any other device not primarily intended for the transportation of people, upon any street, such that the device has not moved at least one tenth of a mile within 48 hours.

J. A vehicle on a street or public place or premises open to the public without a license plate or a vehicle with a license plate or temporary licensing permit which is expired for more than one month.

K. A vehicle any place on premises occupied by the city police station that is marked as a place for police parking only.

L. A motor vehicle upon a sidewalk, curb, planting strip or median within the public right-of-way. [BC 6.02.310, amended by Ordinance No.

3278, 8/17/82; Ordinance No. 3365, 4/10/84; Ordinance No. 3427, 1/22/85; Ordinance No. 3447, 5/14/85; Ordinance No. 3537, 10/21/86; Ordinance No. 3560, 4/14/87; Ordinance No. 4053(3), 8/3/99; Ordinance No. 4185, 12/17/01]

6.02.320 Prohibited Parking of Vehicles for Vending Purposes. No person shall park or leave standing a vehicle on city-owned premises or on a right of way of a city highway for the purpose of advertising, selling or offering merchandise for sale, including the vehicle itself, except pursuant to written agreement with the city. [BC 6.02.320, amended by Ordinance No. 3890, 3/28/94; Ordinance No. 4258, 7/14/03]

6.02.325 Prohibited Repair of Vehicle. No person shall park or leave standing a vehicle on city-owned property or on a right of way of a city highway for the purpose of repairing or servicing the vehicle, except pursuant to written agreement with the city or under circumstances where repair or service of the vehicle is necessitated by an unforeseeable emergency. [BC 6.02.325, amended by Ordinance No. 4258, 7/14/03]

6.02.330 Use of Loading Zone. No person shall stand or park a vehicle for any purpose or length of time, other than for the expeditious loading or unloading of persons or materials, in a place designated as a loading zone when the hours applicable to loading zone are in effect. In no case when the hours applicable to loading zone are in effect shall the stop for loading and unloading of materials exceed the time limits posted. If no time limits are posted, then the use of the zone shall not exceed 30 minutes.

6.02.340 Unattended Vehicles. No operator or person in charge of a motor vehicle shall park it or allow it to be parked unattended on a street, on premises open to the public or on a new or used car lot without first stopping the engine, turning the front wheels to the curb, if any, locking the ignition, removing the ignition key from the vehicle, and effectively setting the brake. If the vehicle is attended, the ignition key need not be removed.

6.02.350 Standing or Parking of Buses and Taxicabs. The operator of a bus or taxicab shall not stand or park the vehicle upon a street in a business district at a place other than a bus stop or taxicab stand, respectively, except that this provision shall not prevent the operator of a taxicab from temporarily stopping the taxicab outside a traffic lane while loading or unloading passengers.

6.02.360 Restricted Use of Bus and Taxicab Stands. No person shall stand or park a vehicle other than a taxicab in a taxicab stand, or a bus in a bus stop, except that the operator of a passenger vehicle may temporarily stop for the purpose of and while actually engaged in loading or unloading passengers when stopping does not interfere with a bus or taxicab waiting to enter or about to enter the restricted space.

6.02.370 Lights on Parked Vehicle. No lights need be displayed upon a vehicle that is parked in accordance with this ordinance upon a street where there is sufficient light to reveal a person or object at a distance of at least 500 feet from the vehicle.

6.02.380 Exemption. The provisions of this ordinance regulating the parking or standing of vehicles shall not apply:

- A. To a vehicle of the City, county or state or public utility while necessarily in use for construction, repair or other work on a street,
- B. A vehicle owned by the United States while in use for the collection, transportation or delivery of mail, or
- C. Vehicles of disabled persons who comply with the provisions of the Oregon Vehicle Code.

(Reserved)

PERMIT PARKING AREAS

6.02.390 Downtown and Residential Permit Parking Districts. The following provisions shall apply to residential permit parking districts authorized by BC 6.02.080 and to the following Beaverton Downtown Permit Parking District:

A. Beaverton Downtown Permit Parking District Eligibility Area. For purposes of parking permit eligibility under subsection D of this section, the boundaries of the Beaverton Downtown Permit Parking District are as follows:

1. On the north, the Tri-Met light rail right-of-way from Cedar Hills Boulevard to Lombard Avenue;
2. On the west, Cedar Hills Boulevard from the Tri-Met light rail right-of-way to Farmington Road, east along Farmington Road to Stott Avenue, and Stott Avenue from Farmington Road to 3rd Street;
3. On the south, 3rd Street from Stott Avenue to Tucker Avenue, Tucker Avenue from 3rd Street to 2nd Street, and 2nd Street from Tucker Avenue to Lombard Avenue; and
4. On the east, Lombard Avenue from 2nd Street to Broadway, Broadway from Lombard Avenue to Canyon Road, Canyon Road from Broadway to Lombard Avenue, Lombard Avenue from Canyon Road to the Tri-Met light rail right-of-way.

5. Also included are those tax lots abutting the south line of 2nd Street from Tucker Avenue to Lombard Avenue.

B. Parking in Excess of Posted Time Limits. A vehicle parking permit for a specified residential permit parking district allows parking of a permitted vehicle in excess of the posted parking time limit in the specified residential permit parking districts authorized by BC 6.02.080. In the Beaverton Downtown Permit Parking District, a vehicle parking permit allows parking of a permitted vehicle in excess of the posted parking time limit along the following city streets and in the following city-owned parking lots:

1. S.W. Broadway Street between S.W. Watson Avenue and S.W. Cedar Hills Boulevard,
2. S.W. 2nd Street between S.W. Hall Boulevard and S.W. Lombard Avenue,
3. S.W. 2nd Street between S.W. Watson Avenue and S.W. Angel Avenue,
4. The west side of S.W. Main Avenue between S.W. 1st Street and a point 125 feet south of S.W. 1st Street,
5. The south side of S.W. 1st Street between S.W. Stott Avenue and S.W. Main Avenue,
6. The west side of S.W. Rose Biggi Avenue between S.W. Beaverdam Road and S.W. Millikan Way,
7. City-owned parking lots:
 - a. Angel and Farmington Road,
 - b. Betts and Farmington Road,
 - c. at the corner of Broadway and Canyon, east of Tax lot 1S115BA00900,
 - d. Chapman Street, between 1st and 2nd, and
 - e. Beaverton-Hillsdale Highway between Broadway and Lombard Avenue.

C. City Council's Authority Over City-Owned Parking Lots. 1. The City Council by resolution may add other city-owned parking lots or remove those listed in this section.

2. Such action may be temporary or permanent.

3. The vehicle parking permit shall not preclude such action by the City Council, nor entitle the permit holder to recover the permit fee or any part thereof.

D. Parking Permit Eligibility.

1. In the Downtown or in a residential permit parking district, a person is eligible to obtain a vehicle parking permit, if the person who can demonstrate (either with a valid driver's license, vehicle registration, or rent or utility receipt) that the person currently resides in the district for which the person requests a permit. A person using a vehicle owned by another person must present a notarized

statement from the owner stating that the vehicle has been assigned to the applicant for the applicant's personal use.

2. In the Beaverton Downtown Permit Parking District, a person also is eligible to obtain a vehicle parking permit, if the person is an employee of a business that is located within the District. The employee shall provide proof of eligibility by any document showing to the City's satisfaction that the person is a current employee of a business located within the District and that the business holds a current, valid city business license. A business within the boundary may purchase vehicle parking permits for its employees who work within the Beaverton Downtown Permit Parking District eligibility area, if it shows proof of a current valid city business license.

E. Permit Applications.

1. A person desiring a vehicle parking permit must apply for same with the City Finance Department on a form prepared by the City and pay applicable fees.

2. Permit fees and changes to permit fees for permit parking districts authorized by this Code shall be by resolution of the City Council.

3. The fee shall not exceed the City's costs to administer and enforce the permit program.

F. Parking Permit Design. Parking permit design shall be unique to each residential permit parking district, and to the Beaverton Downtown Permit Parking District's eligibility area.

G. Theft or Loss of Vehicle Parking Permit.

1. A permit holder shall notify the City Finance Department of loss or theft of a vehicle parking permit within three business days.

2. The permit holder may purchase a replacement for one-half of the current fee, unless the person is disallowed from purchase due to improper use.

H. Use and Misuse of a Parking Permit; Suspension; Revocation.

1. A parking permit is valid until expiration, surrender, or revocation so long as the permit holder and its vehicle remain in compliance with all parking area regulations.

2. A parking permit is valid only in the area for which it is issued. A permit may be displayed only on a vehicle currently registered with the State where the vehicle owner resides.

3. The City may revoke and may require the surrender of a vehicle parking permit held by a person who is not eligible to possess or display the permit, or who commits misuse of a parking permit as defined in this section.

4. A person commits the offense of misusing a parking permit if a person does any of the following:

- a. displays a permit on a vehicle that is not currently registered with the State in which the vehicle owner resides;
- b. displays a permit obtained without meeting the eligibility requirements of BC 6.02.390 D and E;
- c. displays a permit that is expired, suspended, or revoked;
- d. obtains a permit from the City by misrepresentation;
- e. fails to surrender a permit at the City's lawful request;
- f. duplicates or attempts to duplicate, by any means, a parking permit authorized under BC 6.02.390, or displays such a duplicate permit on any vehicle.

5. In addition to any fines or other penalties that may be imposed, upon conviction for misusing a parking permit, all permits issued to the offender and the right to apply for or display a permit shall be suspended for a period of three months.

6. In addition to any fines or other penalties that may be imposed, upon a second or subsequent conviction for misusing a parking permit within 12 months of a prior conviction for the same offense, the following shall apply:

- a. all permits issued to the offender shall be revoked and returned to the City within three days of conviction;
- b. the offender shall be disqualified from purchasing or

otherwise obtaining or displaying a permit for 12 months following conviction.

7. Fines, suspensions, revocations, and any other punitive action against a person or a person's ability to obtain parking permit privileges may be incorporated into a judgment of conviction for misusing a parking permit.

8. No person fined under this section may apply to display a parking permit until all fines have been paid.

9. Misuse of a parking permit is a violation punishable under BC 6.02.900.

I. Restrictions.

1. Display of a vehicle parking permit does not convey any privileges other than that of exceeding the posted permit parking time limit.

2. It does not authorize parking in any other restricted zone.

3. Permitted vehicles are subject to the provisions of BC 6.02.320 (displaying vehicle for sale; repairing or servicing vehicle).

4. Nothing in this ordinance shall limit the authority of any city police officer from requiring or causing the removal of any parked vehicle in an emergency or where the vehicle is subject to seizure or removal according to law.

J. Mayor's Administration of Vehicle Parking Permit Program.

1. The Mayor or the Mayor's designee shall be responsible for administration of the vehicle permit parking program under this ordinance.

2. The Mayor or the Mayor's designee is authorized to prepare appropriate application forms, a permit decal and other reasonable and necessary forms and documentation for proper administration. [BC 6.02.390, added by Ordinance No. 3971, 1/7/97; amended by Ordinance No. 4109, 6/5/00; Ordinance No. 4205(4), 5/13/02; Ordinance No. 4251, 5/5/03; Ordinance No. 4264, 8/11/03]

BICYCLES

6.02.400 [BC 6.02.400 repealed by Ordinance No. 4258, 7/14/03]

6.02.410 [BC 6.02.410 repealed by Ordinance No. 4258, 7/14/03]

6.02.420 [BC 6.02.420 repealed by Ordinance No. 4258, 7/14/03]

6.02.430 Impounding of Bicycles.

A. It shall be unlawful to leave a bicycle on public or private property without the consent of the person in charge or the owner thereof.

B. A bicycle left on public property for a period in excess of 72 hours may be impounded by the police department.

C. If a bicycle impounded under this section bears an Oregon driver's license number or is licensed by this City or another City or other means of determining its ownership exists, the police shall make reasonable efforts to notify the owner.

D. An impoundment fee set by Council resolution shall be charged to the owner of a bicycle impounded under this section except where the bicycle was stolen.

E. A bicycle impounded under this chapter which remains unclaimed for 60 days, shall be disposed of in accordance with BC 2.05.010-.026.

6.02.440 [BC 6.02.440 repealed by Ordinance No. 4258, 7/14/03]

(Reserved)

PEDESTRIANS

6.02.500 Use of Sidewalks. A pedestrian shall not use a street or the shoulder of a street for travel when a sidewalk is available.

6.02.510 Pedestrian Must Use Available Crosswalk. No pedestrian shall cross a roadway outside of a marked crosswalk if within 150 feet of a marked crosswalk. [BC 6.02.510, amended by Ordinance No. 3883, 2/14/94]

6.02.520 Right Angles. A pedestrian shall cross a street at a right angle, unless crossing within a crosswalk.

(Reserved)
PARADES

6.02.600 Prohibited Activity. No person shall organize or participate in a parade unless a permit has been obtained prior to commencement of the parade.

6.02.610 Exemption. No parade permit shall be required for parades of 50 persons or less with no vehicles if the participants intend to use the City sidewalks and obey all pedestrian and traffic laws and do not wish to use the City streets for the parade.

6.02.620 Parade Permit.

A. Application for parade permits shall be made to the police chief at least 48 hours prior to the intended date and time of the parade, unless the time is waived or increased by the police chief.

B. In considering whether to waive or increase the minimum time within which an application for a permit must be made, the police chief shall base his decision on the following criteria:

1. whether the size, route or nature of the proposed parade is such that additional law enforcement resources are required and scheduling of or arranging for such resources requires further time;

2. whether additional time is needed to inform the public of the parade in order to minimize public inconvenience;

3. whether additional time is needed to evaluate whether the permit should be granted pursuant to this section.

C. Applications shall include the following information:

1. the name and address of the person responsible for the proposed parade;

2. the date of the proposed parade;

3. the desired route, including assembling points;

4. the number of persons, vehicles or animals which will be participating in the parade;

5. the proposed starting and ending time; and

6. the application shall be signed by the person designated as the chairperson of the event.

D. If the police chief, upon receipt of the application, determines that the parade can be conducted without endangering public safety and without seriously inconveniencing the general public, the police chief shall approve the route and date and issue the permit.

E. If the police chief determines that the parade cannot be conducted without endangering public safety or seriously inconveniencing the general public, the police chief may issue the permit with an alternate route or an alternate date. In determining whether to propose a different route or date, the police chief shall consider the following:

1. whether the parade is likely to cause excessive traffic congestion including vehicle flow, parking and pedestrian passage;

2. whether the parade is likely to substantially interfere with the orderly operation of governmental or commercial activity by blocking access to governmental or commercial premises for a long period of time;

3. whether the parade is likely to substantially interfere with previously approved or planned parades or public gatherings.

6.02.625 Denial of Permit

A. If the police chief determines that the parade cannot be conducted without seriously inconveniencing the general public or seriously endangering public safety, the police chief shall deny the permit. In determining whether public safety is endangered, the police chief shall consider any concrete evidence indicating a specific intent on the part of the parade organizers or participants to engage in violence during the parade.

B. If the police chief denies the license, written findings shall be issued specifying the reasons for the decision and a copy of the findings shall be furnished to the applicant.

6.02.630 Notification of Decision. The police chief shall notify the applicant of the decision within 48 hours of receipt of the application or at least one hour, prior to the scheduled time of the parade where the 48 hour application period has been waived. The copy of the written findings provided for in BC 6.02.625 B shall be furnished to the applicant at the time of notification of the police chief's decision.

6.02.635 Police Chief Authorized To Promulgate Rules. The police chief shall promulgate administrative rules governing the issuance of parade permits. Such rules may include, but need not be limited to, the following provisions:

1. designating certain major streets which cannot be used for parades;
2. impose insurance obligations and costs for extra police services for parade organizers and exemptions from the obligations and costs for indigent organizers.

6.02.640 Appeal to Council.

A. An applicant may appeal the decision of the police chief by filing a written request of the appeal with the City recorder within five days after the police chief has proposed alternatives or refused to issue a permit.

B. The mayor shall schedule a hearing date which shall not be later than three days following the filing of the written appeal with the City recorder and shall notify the applicant of the date and time that the applicant or the applicant's representative may appear. The President of the Council may appoint a Councilor or committee of Councilors to hear the appeal.

6.02.650 Offenses Against Parade.

A. No person shall unreasonably interfere with a parade or parade participant.

B. No person shall operate a vehicle that is not part of a parade between the vehicles or persons comprising a parade.

6.02.660 Permit Revocable. The police chief may revoke or suspend a parade permit if:

A. An imminent threat of violence and personal injury to the parade participants exists, all reasonable efforts to protect the parade participants have failed, and a request to disband the parade made to the parade organizers has been refused;

B. Actual violence that endangers public safety has been caused by parade participants and public safety cannot be protected without revocation of the permit; or

C. There is significant deviation from the route designated in the application or approval, or assembly at points not shown in the application or approval, which occurs without approval of the police officer in charge of the parade escort. Revocation or suspension shall be in accordance with the Uniform Revocation Procedure set forth in BC 2.05.050-.066.

6.02.670 Funeral Processions.

- A. No permit shall be required for a funeral procession.
- B. A funeral procession shall proceed to the place of interment by the most direct route which is both legal and practicable.
- C. The procession shall be accompanied by adequate escort vehicles for traffic control purposes.
- D. All motor vehicles in the procession shall be operated with their headlamps turned on.
- E. No person shall unreasonably interfere with a funeral procession.
- F. No person shall operate a vehicle that is not a part of the procession between the vehicles of a funeral procession.

(Reserved)

TRAFFIC CITATIONS AND OWNER RESPONSIBILITY

6.02.700 Citation on Illegally Parked Vehicle. Whenever a vehicle without an operator is found parked in violation of a restriction imposed by this ordinance or state law, the officer finding the vehicle shall take its license number and any other information displayed on the vehicle which may identify its owner, and shall conspicuously affix to the vehicle a traffic citation instructing the operator to answer to the charge against the operator or pay the penalty imposed within seven calendar days during the hours and at a place specified in the citation.

6.02.710 Failure to Comply With Traffic Citation Attached to Parked Vehicle. If the operator does not respond to a traffic citation affixed to a vehicle within a period of seven calendar days, the clerk of the municipal court may send to the owner of the vehicle to which the traffic citation was affixed a letter informing the owner of the violation and warning the owner that in the event that the letter is disregarded for a period of ten calendar days, the bail amount set for the violation will be doubled and the car may be immobilized or towed.

6.02.720 Owner Responsibility. Every person in whose name a vehicle is registered shall be responsible for any parking violation of the provisions of the Code. It shall be no defense that the vehicle was parked illegally by another unless proof is presented that said vehicle has been stolen and has not been returned to the registered owner by the date of the violation. The registered owner of a vehicle is not responsible for any parking violation if proof is presented that said vehicle has been sold prior to the date of the violation, and not re-registered in which case the purchaser shall be responsible. [BC 6.02.720, amended by Ordinance No. 3327, 7/19/83]

6.02.730 Registered Owner Presumption. In a prosecution of a vehicle owner charging a violation of a restriction on parking, proof that the vehicle at the time of the violation was registered to the defendant shall constitute a presumption that the defendant was then the owner in fact.

6.02.740 Proof by Preponderance. Except as otherwise provided by the ORS provisions adopted in BC 6.02.020, proof of any violation of this chapter shall be by a preponderance of the evidence.

6.02.750 ~~Volunteer~~ Parking Enforcement Officers. The Mayor may authorize a person to issue parking citations on behalf of the city if the person agrees to enforce the city's ordinances and regulations relating to the parking of vehicles as a part of an organized program administered through the police department or the Mayor's office. Such a person shall be considered a parking enforcement officer and shall have full authority to assist in the enforcement of the city's ordinances and regulations relating to parking, including but not limited to the issuance of parking citations. [BC 6.02.750, added by Ordinance No. 3884, 2/14/94, amended by Ordinance 4258, 7/14/03]

(Reserved)

IMMOBILIZATION AND PENALTIES

6.02.800 [BC 6.02.800 repealed by Ordinance No. 4053(5), 8/3/99]

6.02.805 Definitions. For the purposes of BC 6.02.805-.855 the terms "vehicle" and "law enforcement officer" shall have the same meaning or definition given to them in BC 6.05.010.

6.02.810 Rules and Regulations Authorized. The police chief shall recommend rules and regulations necessary to administer BC 6.02.805-.855. The rules and regulations shall become effective when approved by the mayor and issued by the mayor as an administrative order. In appropriate cases, the effective date may be subsequent to the date of the issuance of the administrative order.

6.02.815 Authority for Immobilization of Vehicle. If the registered owner shall fail to pay all outstanding penalties or to request a hearing within ten calendar days of the mailing of the delinquent parking citation notices provided for in BC 6.05.080 upon issuance of a municipal court order the owner's vehicle shall be immobilized by a law enforcement officer.

6.02.820 Immobilization of Vehicle.

A. Any law enforcement officer may temporarily immobilize the vehicle by installing on, or attaching to the vehicle, a device designed to restrict the normal movement of the vehicle. At the time the vehicle is immobilized, the law enforcement officer shall cause to be affixed to said vehicle a readily visible notification sticker. The sticker shall include the following information:

1. the date and time the sticker was affixed;
2. the identity of the law enforcement officer of the City who immobilized the vehicle;
3. a statement that the vehicle has been immobilized by the City for parking violations of this Code;
4. a statement that the vehicle may be released from immobilization at a designated place, by payment of the designated total of unpaid parking violations penalties plus an immobilization fee;
5. a statement that unless arrangements are made for the release of the vehicle within twenty-four hours, the vehicle will be towed and stored at the owner's expense and disposed of in accordance with BC 6.05.005-.150;
6. a warning that removing or attempting to remove the device or moving the immobilized vehicle before a release is obtained is unlawful;
7. the address and telephone number and office hours where additional information may be obtained.

B. The parking restrictions otherwise applicable pursuant to Chapter Six shall not apply to any vehicle immobilized pursuant to this section.

6.02.825 Immobilization Fee. Any vehicle immobilized pursuant to BC 6.02.820 shall be assessed the fee to cover the costs of immobilization and the fee is in addition to any penalty assessed pursuant to this Code. The immobilization fee shall be set by resolution of the Council.

6.02.830 Release from Immobilization. No vehicle immobilized pursuant to BC 6.02.820 shall be released from the device until payment of the total of unpaid parking violation penalties owing, plus the immobilization fee assessed under BC 6.02.825 have been paid or a cash bond in an amount equal

to the sum of the penalties and immobilization fee has been posted as directed by the police chief or the police chief's designee.

6.02.835 Hearing. Any person desiring to contest an immobilization or towing may request a hearing. This shall not be a hearing on mitigating circumstances surrounding the issuance of a parking citation nor a hearing to contest the issuance of the parking citation. The request must be made in person or in writing not more than ten days after immobilization or towing.

6.02.840 Towing of Immobilized Vehicle.

A. If no one responds to the immobilization of a vehicle within 24 hours of the affixing of the immobilization device, the vehicle shall be towed and stored at the expense of the registered owner. The vehicle shall not be released until full payment of all parking penalties, immobilization fee, and towing and storage charges have been paid or a cash bond in an amount equal to the sum of the outstanding penalties, and immobilization fee has been posted with the City. [BC 6.02.840 A, amended by Ordinance No. 3322, 5/24/83]

B. The Council may by resolution, rule, agreement or contract set uniform towing and storage charges for immobilized vehicles that have been towed which shall be deemed reasonable for the purposes of this ordinance. [BC 6.02.840 B, added by Ordinance No. 3322, 5/24/83]

6.02.845 Cash Bond Forfeiture. Any person posting a cash bond pursuant to BC 6.02.840 shall be deemed to have forfeited the cash bond to the City if no request for hearing is filed within ten calendar days following the date of the immobilization. Notice of the right of the City to forfeit the cash bond shall either be given in person to the party posting the bond or mailed to their last known address.

6.02.850 Unlawful to Remove or Attempt to Remove an Immobilization Device or to Move Vehicle While Immobilized. No person shall remove or attempt to remove an immobilization device or move or attempt to move an immobilized vehicle without arranging with the City for the release of the vehicle under BC 6.02.830. Any removal or attempted removal of an immobilized vehicle prior to release of the immobilization device shall be a Class 1 Civil Infraction and shall be processed in accordance with the procedures set forth in BC 2.10.010-.050. A person violating the provisions of this section shall be liable for any damage to the immobilization device and the immobilized vehicle.

6.02.855 Failure to Appear. Any person posting a cash bond under BC 6.02.840 who fails to appear at a requested hearing shall be deemed to have waived the right to contest the immobilization or towing and shall be deemed to have forfeited the cash bond to the City, except where the owner shows good cause for failure to appear. Notice of the right of the City to forfeit the cash bond shall either be given in person to the party posting the bond or mailed to their last known address.

6.02.890 Remedies Cumulative. Any impoundment or immobilization of a vehicle pursuant to this ordinance is in addition to, and not in lieu of, any other civil, criminal, or administrative penalty, sanction, or remedy otherwise authorized by law. [BC 6.02.890, added by Ordinance No. 4053(6), 8/3/99]

6.02.900 Penalties.

A. Violation of any provisions of BC 6.02.200-.270 is punishable upon conviction by a fine not to exceed \$300.00.

B. Violation of any provision of BC 6.02.300-.670 is punishable upon conviction by a fine not to exceed \$75.00.

C. A violation of a provision identical to a state statute is punishable by a fine not to exceed the penalty prescribed by the state statute. [BC 6.02.900, amended by Ordinance No. 4258, 7/14/03]

(Reserved)

OFF-ROAD VEHICLES

6.04.010 Purpose. The Council hereby determines that off-road vehicles can provide appropriate, useful and energy efficient alternatives to automobiles when properly operated. The purpose of BC 6.04.010-.060 is to prevent those vehicles from becoming a nuisance to the people of the City and causing damage to and deterioration of the environment and to avoid detrimental effects on the health, safety and welfare of the people.

6.04.020 Definitions. For the purposes of BC 6.04.010-.060 the following mean:

Off-road area - Any area that is not a road or a road that is closed to off-road vehicles and posted as closed, except areas commonly held open to vehicular use, such as parking lots and automobile service stations.

Off-road vehicle - Every self-propelled motor vehicle designed or capable of traversing on or over natural terrain, including, but not limited to motorcycles, minibikes, trail bikes, motor scooters, dune buggies, four-wheel drive trucks, pickups, all-terrain vehicles, jeeps and half-tracks.

Operate - Start, move, run or drive.

Police chief - The chief of the police department or the police chief's designee.

Road - Every public way, thoroughfare, road, street or easement within the City used or intended for use by the general public for vehicular traffic.

This ordinance - BC 6.04.010-.060.

6.04.030 Operation of Off-road Vehicles.

A. No person shall operate an off-road vehicle on any off-road area that the person does not own unless:

1. the operator possesses written permission to do so from the owner, contract purchaser or lessee of the off-road area; or
2. the operator possesses written evidence of membership in a club or association to which the owner, contract purchaser or lessee of the off-road area has given written permission to do so and a copy of it has been filed with the police chief; or

3. the owner, contract purchaser or lessee has designated the off-road area as being open to off-road vehicle use by posting notice of it in a form and manner prescribed by the police chief.

B. No person shall:

1. falsify the written permission required by subsection A1 of this section; or
2. falsify the evidence of club or association membership or the written permission required by subsection A2 of this section; or
3. post the notice or remove the posted notice required by subsection A3 of this section without the consent of the owner, contract

purchaser or lessee.

6.04.040 Exemptions. The provisions of this ordinance shall not apply to implements of husbandry, publicly-owned vehicles or authorized emergency vehicles used for legal purposes.

6.04.050 Penalties.

A. A violation of this ordinance is punishable by a fine not to exceed \$100.00. [BC 6.04.050, amended by Ordinance No. 3372, 5/22/84]

B. The penalties imposed by this section are not exclusive and are in addition to any other remedies, civil or criminal, available to the City under the law.

6.04.060 Conformance with Law. This ordinance shall not be a substitute for or eliminate the necessity of conformity with state laws, rules and regulations, or Code provisions which are now or may be in the future in effect which relate to the activities regulated by this ordinance.

(Reserved)

VEHICLE IMPOUNDMENT

6.05.001 Vehicle Impoundment When Driving Uninsured. [BC 6.05.001, added by Ordinance No. 3888, 4/11/94; repealed by Ordinance No. 3888, 7/1/94]

6.05.005 Short Title. BC 6.05.005-.150 shall be known and may be cited as the "Vehicle Impoundment Ordinance" and may be referred to herein as "this ordinance".

6.05.010 Definitions. As used in this ordinance, the following mean:
Abandoned vehicle - A vehicle left in circumstances demonstrating its owner never intends to return.

A. A motor vehicle shall be deemed an abandoned vehicle under this definition if it remains upon any street for a period in excess of 48 hours and the motor vehicle:

1. Reasonably appears incapable of self-propulsion; or
2. Does not display a current registration plate or a current trip permit; or
3. Is on a street and is not registered to a person at the address of property on the same side of the street that abuts the part of the street upon which the motor vehicle is located; or
4. Is on public property other than a street without the consent of the owner, occupant and any other person in lawful possession of the public property.

B. A trailer shall be deemed an abandoned vehicle under this definition if it remains upon any street for a period in excess of 24 hours and the trailer:

1. Does not display a current registration plate or a current trip permit, unless exempt from registration under provision of Oregon law; or
2. Is on a street and no right of control over the trailer exists in a person or relative of a person who owns property or resides at property that is on the same side of the street that abuts the part of the street upon which the trailer is located; or
3. Is on public property other than a street without the consent of the owner, occupant and any other person in lawful possession of the public property.

Discarded vehicle - A vehicle that is inoperable or not currently licensed. For purposes of this definition a vehicle includes, but is not

limited to, the major parts of the vehicle, such as the body, the engine, the transmission or the rear end.

Hazardous vehicle - A vehicle left in a location or in a condition that constitutes an immediate and continuous hazard to the health, safety or welfare of person or property. The term includes, but is not limited to, vehicles blocking fire hydrants, vehicles with leaking gas tanks, vehicles with an audible anti-theft alarm system that has sounded in excess of 20 minutes, vehicles located in violation of the Fire Prevention Code in effect within the City of Beaverton, vehicles blocking a public or private right-of-way, and vehicles occupying parking spaces designated for police parking only.

Law enforcement officer - A law enforcement officer of the City or other City employee authorized to enforce this ordinance.

Motor vehicle - A vehicle that is self-propelled or designed for self-propulsion.

Owner - A person with an individual or joint claim in or ownership of a legal or equitable interest in a vehicle.

Private garage - A private storage yard, garage or other storage place selected by the City.

Public property - Real property that is owned, leased, rented or lawfully used or operated by the state, a county, City or other governmental entity.

Vehicle - Any device in, upon, or by which any person or property is or may be transported or drawn upon a street, including vehicles that are propelled or powered by any means. [BC 6.05.010, amended by Ordinance No. 3278, 8/17/82; Ordinance No. 3302, 11/3/82; Ordinance No. 3427, 1/22/85; Ordinance No. 3539, 10/21/86; Ordinance No. 4053(7), 8/3/99; Ordinance No. 4223(2), 8/19/02]

6.05.020 Abandoned Vehicles Prohibited.

A. No abandoned vehicle shall be left upon:

1. A street, as defined in BC 6.02.030, or
2. Public property, as defined by BC 6.05.010, without the consent of the owner, occupant or any other person in lawful possession of the public property.

B. The owner of a vehicle, as shown by records of the Oregon Department of Transportation or records of a similar agency of another state or governmental jurisdiction, shall be considered responsible for the abandonment of a vehicle in the manner prohibited by this section, and shall be liable for the cost of its removal and disposition.

C. A vehicle abandoned in violation of this section is subject to the provisions for removal of abandoned vehicles under BC 6.05.025 or 6.05.030, and to being sold as provided under BC 2.05.030 or applicable state law, including ORS 819.210 or 819.220.

D. The City may use its personnel, equipment and facilities for removal and storage of the vehicle or may hire other personnel, equipment and facilities for that purpose. [BC 6.05.020, amended by Ordinance No. 3278, 8/17/82; Ordinance No. 3302, 11/3/82; Ordinance No. 3427, 1/22/85; Ordinance No. 4053(8), 8/3/99; Ordinance No. 4223(3), 8/19/02]

6.05.025 Custody, Removal and Sale of Abandoned Vehicles.

A. After providing notice required under BC 6.05.060 and, if requested, a hearing under BC 6.05.120 to 6.05.150, the City may take an abandoned vehicle into custody and remove the vehicle from the location where it has been left.

B. The authority to remove and take abandoned vehicles into custody provided by this section is in addition to any authority to remove and take vehicles into custody under BC 6.05.030.

C. Subject to BC 6.05.037, vehicles and the contents of vehicles removed and taken into custody under this section and BC 6.05.030 are subject to a lien, as provided under BC 6.05.040.

D. Vehicles removed and taken into custody under this section are subject to sale under BC 2.05.030, ORS 819.210 or 819.220, if the vehicle is

not reclaimed, as provided under BC 6.05.037, or returned to the owner or person entitled to possession under BC 6.05.110. [BC 6.05.025, added by Ordinance No. 4223(4), 8/19/02]

6.05.030 Towing Without Notice.

A. A law enforcement officer may immediately cause a vehicle to be towed without prior notice if:

1. the vehicle is a hazardous vehicle; or
2. the vehicle was in possession of a person taken into custody by a law enforcement officer and no other reasonable disposition of the vehicle was available under the circumstances; or
3. the vehicle has been reported stolen; or
4. the vehicle bears license plates which are not issued to the vehicle according to the records of the Department of Motor Vehicles.
5. The vehicle has been involved in a fire and it is necessary to take the vehicle into custody immediately for further fire investigation.

B. The owner of the vehicle shall be responsible for the cost of towing and storing the vehicle.

6.05.035 Remedies Cumulative. Any impoundment of a vehicle pursuant to this ordinance is in addition to, and not in lieu of, any other civil, criminal, or administrative penalty, sanction, or remedy otherwise authorized by law. [BC 6.05.035, added by Ordinance No. 4053(9), 8/3/99]

6.05.037 Rights and Liabilities of Owners.

The owner, a person entitled to possession or any person with an interest recorded on the title of a vehicle taken into custody under BC 6.05.020 or 6.05.030:

A. Is liable for all costs and expenses incurred in the removal, preservation and custody of the vehicle and its contents, except that:

1. The owner, a person entitled to the vehicle or any person with an interest recorded on the title is not liable for nor shall be required to pay storage charges for a period in excess of 20 days, unless the person has received a written notice as required under applicable state law, including ORS 819.160. In no case shall a person be required to pay storage charges for a storage period in excess of 60 days.

2. A security interest holder is not liable under this subsection, unless the security interest holder reclaims the vehicle.

B. May reclaim the vehicle at any time after it is taken into custody and before the vehicle is sold or disposed of under BC 2.05.030, ORS 819.210 or 819.220, upon presentation to the authority holding the vehicle of satisfactory proof of ownership or right to possession, and upon payment of costs and expenses for which the person is liable under this section.

C. If the vehicle is taken into custody under BC 6.05.020 or 6.05.030, has a right to request and have a hearing under BC 6.05.120 to 6.05.150.

D. If the vehicle is sold or disposed of under BC 2.05.030, ORS 819.210, 819.215 or 819.220, has no further right, title or claim to or interest in the vehicle or the contents of the vehicle;

E. If the vehicle is sold or disposed of under ORS 819.210, has a right to claim the balance of the proceeds from the sale or disposition, as provided under ORS 819.260.

F. Has no right to a hearing, if the vehicle is disposed of under ORS 819.215. [BC 6.05.037, added by Ordinance No. 4223(5), 8/19/02]

6.05.040 Towing and Storage Liens.

A. A person who, at the request of a law enforcement officer, takes a vehicle into custody under provisions of this ordinance shall have a lien on the vehicle and its contents as provided under state law including, but not limited to ORS 87.152 and ORS 819.160, for reasonable towing and storage charges and may retain possession of that vehicle consistent with this ordinance until such charges are paid or bond or some form of security is posted. Such lien shall attach and may be foreclosed as provided under

state law. A lien described under this section does not attach to the contents of any vehicle taken into custody from public property until 15 days after taking the vehicle into custody. If the appraised value of the vehicle is \$750.00 or less, the vehicle shall be disposed of in the manner provided in the Oregon Vehicle Code.

B. If the vehicle is taken into custody under provisions of this ordinance and held by a law enforcement officer, rather than by a private garage, the vehicle shall be disposed of in the manner provided in the Oregon Vehicle Code. [BC 6.05.040, amended by Ordinance No. 4053(10), 8/3/99]

6.05.050 Towing and Storage Fees. The Council may, by resolution, rule, agreement or contract set uniform towing and storage charges for abandoned vehicles that have been towed which shall be deemed reasonable for the purposes of this ordinance.

6.05.060 Notice Prior to Removal.

A. If the City proposes to take custody of a vehicle that an officer reasonably suspects is abandoned in violation of BC 6.05.020, the City shall affix a notice to the vehicle with the information required by subsection B of this section.

1. The notice shall be affixed to the vehicle at least 24 hours before taking the vehicle into custody.

2. The 24-hour period under this section includes holidays, Saturdays and Sundays.

B. Notices affixed to a vehicle shall state all of the following:

1. That the vehicle will be subject to being taken into custody and removed by the City, if the vehicle is not removed before the time set by City.

2. The statute, ordinance or rule violated by the vehicle and under which the vehicle will be removed.

3. The place where the vehicle will be held in custody or the telephone number and address of the City official or department that will provide such information.

4. That the vehicle, if taken into custody and removed by the City, will be subject to towing and storage charges, and that a lien will attach to the vehicle and its contents.

5. That the vehicle will be sold to satisfy the costs of towing and storage, if the charges are not paid.

6. That the owner, possessor or person having an interest in the vehicle is entitled to a hearing, before the vehicle is impounded, to contest the proposed custody and removal, if a hearing is timely requested.

7. That the owner, possessor or person having an interest in the vehicle may also challenge the reasonableness of any towing and storage charges at the hearing.

8. The time within which a hearing must be requested, and the method for requesting a hearing.

C. This section does not apply to vehicles listed in BC 6.05.030. [BC 6.05.060, amended by Ordinance No. 4053(11), 8/3/99; Ordinance No. 4223(6), 8/19/02]

6.05.070 Hearing to Contest Validity of Removal and Custody.

A person provided notice under BC 6.05.060, 6.05.080 or 6.05.090, or any other person who reasonably appears to have an interest in the vehicle, may request a hearing under this section to contest the validity of the removal and custody under BC 6.05.030 or the proposed removal and custody of a vehicle under BC 6.05.020, by submitting a request for hearing with the City not more than five

days from the mailing date of the notice. The five-day period in this section does not include holidays, Saturdays or Sundays. A hearing under this section shall comply with all of the following:

A. If the City proposes to remove a vehicle and receives a request for hearing before the vehicle is taken into custody and removed, the vehicle shall not be removed unless the vehicle constitutes a hazard.

B. A request for hearing shall be in writing and shall state grounds upon which the person requesting the hearing believes that the custody and removal of the vehicle is not justified.

C. Upon receipt of a request for a hearing under this section, the City shall set a time for, and conduct a hearing pursuant to BC 6.05.120 to 6.05.150. [BC 6.05.080, amended by Ordinance No. 4053(13), 8/3/99; Ordinance No. 4223(7), 8/19/02]

6.05.080 Pretowing Notice When Four or More Citations Have Been Issued With Respect to a Vehicle.

A. A vehicle may be towed or immobilized on order of the municipal court if:

1. it is a vehicle that has been used in the commission of at least four or more violations of City parking ordinances for which citations have been issued and have been outstanding for more than 30 days; and

2. the citation issued stated that the vehicle could be immobilized or towed if bail was not posted or a hearing scheduled; and

3. a delinquent parking citation notice was mailed to the registered or legal owner at least ten days prior to the towing or immobilization stating the following:

a. the license plate number, the citation numbers, the violation dates and the amount of bail due;

b. that the vehicle will be immobilized and towed and taken into custody by the City if the total bail is not paid within ten calendar days;

c. the statutes, ordinances or rules violated by the vehicle for which the citation is issued;

d. that if the vehicle is immobilized or towed, the place where the vehicle will be held in custody or the telephone number and address of the City department where information concerning the vehicle can be obtained;

e. that if the vehicle is immobilized an immobilization fee will be assessed for removal of the immobilization device in addition to any penalties assessed pursuant to the Code;

f. that the person who tows the vehicle pursuant to this ordinance at the request of a law enforcement officer shall have a lien on the vehicle and its

contents for reasonable towing and storage charges, may retain possession of the vehicle until the charges are paid, and may have the vehicle sold at a public auction to satisfy the lien;

g. that the owner of the vehicle is entitled to a hearing before the vehicle is immobilized or towed to contest the validity of the citations or proposed immobilization or towing if a hearing is timely requested;

h. that if the vehicle is towed, the owner of the vehicle is entitled to challenge the reasonableness of any towing and storage charges at a hearing;

i. that a hearing on the validity of the citations, proposed immobilization or towing must be requested in person at the court or in writing within ten calendar days of date of the notice and that the request must include the grounds upon which the owner believes the towing is invalid.

B. If the owner of the vehicle requests a hearing before the vehicle is taken into custody, the vehicle shall not be immobilized or towed until a hearing is set and held in accordance with BC 6.05.110-.130.

C. The owner must request the hearing on the validity of the citations, proposed immobilization or towing within ten days of the date of the delinquent parking citation notice. The request must be made in writing or

in person and shall state the grounds upon which the person requesting the hearing believes the citations and/or proposed immobilization or towing are invalid.

D. Failure to appear in person or to mail or deliver a written request for a hearing within ten calendar days after date of the delinquent parking citation notice shall act as a waiver of the right to contest the validity of the citations or the tow.

6.05.090 Notice After Removal.

A. If the City takes custody of a vehicle under BC 6.05.030, the City shall provide, by certified mail within 48 hours of the removal, written notice with an explanation of procedures available for obtaining a hearing, under BC 6.05.120 to 6.05.150, to the owners of the vehicle and any lessors or security interest holders, as shown in the records of the Department of Transportation.

1. The notice shall:

- a. state that the vehicle has been taken into custody;
- b. give the location of the vehicle; and
- c. describe procedures for:
 - (i) the release of the vehicle, and
 - (ii) obtaining a hearing under BC 6.05.120 to 6.05.150.

2. The 48-hour period under this subsection does not include holidays, Saturdays or Sundays.

B. After a vehicle is taken into custody and removed, any notice given under this section shall state all of the following:

1. That the vehicle has been taken into custody and removed, the identity of the appropriate authority that took the vehicle into custody and removed the vehicle, and the statute, ordinance or rule under which the vehicle has been taken into custody and removed.

2. The location of the vehicle or the telephone number and address of the appropriate authority that will provide that information.

3. That the vehicle is subject to towing and storage charges, the amount of charges that have accrued to the date of the notice, and the daily storage charges.

4. That the vehicle and its contents are subject to a lien for payment of the towing and storage charges, and that the vehicle and its contents will be sold to cover the charges if the charges are not paid by a date specified by the appropriate authority.

5. That the owner, possessor or person having an interest in the vehicle and its contents is entitled to a prompt hearing to contest the validity of taking the vehicle into custody and removing it, and to contest the reasonableness of the charges for towing and storage if a hearing is timely requested.

6. The time within which a hearing must be requested and the method for requesting a hearing.

7. That the vehicle and its contents may be immediately reclaimed by presentation to the appropriate authority of satisfactory proof of ownership or right to possession, and either payment of the towing and storage charges or the deposit of cash security or a bond equal to the charges with the appropriate authority. [BC 6.05.090, amended by Ordinance No. 4053(14), 8/3/99; Ordinance No. 4223(8), 8/19/02]

6.05.100 Exemption From Notice and Hearing For Vehicle Held in Criminal Investigation. A vehicle that is being held as part of any criminal investigation is not subject to any requirements under BC 6.05.060 to 6.05.090 or BC 6.05.120 to 6.05.150. [BC 6.05.100, amended by Ordinance No. 4223(9), 8/19/02]

6.05.110 Return of Vehicle to Owner.

A. An owner whose vehicle has been towed pursuant to BC 6.05.020 or 6.05.030 and who has requested a hearing in accordance with this ordinance

may recover immediate possession of the vehicle before the hearing by:

1. Presenting proof of ownership or right to possession; and

2. Either paying the towing and storage charges or posting a security deposit in the form of a bond or cash with the City for towing and storage charges that have accumulated as of the date of the request for the hearing.

B. The municipal judge is authorized to establish, by court order, a security deposit schedule. The municipal court is also authorized to require those owners requesting a hearing under BC 6.05.080 or BC 6.05.130 to certify that the owner will attend the hearing when a hearing date is scheduled.

C. The judge is authorized to increase security deposit amounts which must be posted before a vehicle is released prior to a hearing where the individual requesting the hearing has failed to appear in the past, is a nonresident of the state, or under other appropriate circumstances.

D. An owner whose vehicle was towed or immobilized pursuant to BC 6.05.080 or BC 6.02.805-.855 may recover possession of the vehicle pursuant to BC 6.02.840. [BC 6.05.110, amended by Ordinance No. 4223(10), 8/19/02]

6.05.120 Hearing.

A. When a person requests a hearing pursuant to ~~BC 6.06.037~~BC 6.05.037, the hearing shall be held before a judge of the Beaverton Municipal Court.

B. The hearing shall be set within three days of receipt of the request, holidays, Saturdays and Sundays not included. The City shall provide notice of the hearing, either in writing, by phone or in person to the person requesting the hearing and the registered and legal owners of the vehicle, if not the same as the person requesting the hearing.

C. Unless otherwise provided by this Code or City ordinance, at the hearing the owner or person entitled to possession may contest:

1. the validity of the action of the law enforcement officer in taking the vehicle into custody;
2. creation and amount of the lien attached to the vehicle.

D. The City shall have the burden of showing the validity of the taking of the vehicle. [BC 6.05.120, amended by Ordinance No. 4223(11), 8/19/02]

6.05.130 Hearings on Towing and Storage Charges When Pretowing Notice Was Given.

A. Whenever pretowing notice has been given pursuant to BC 6.05.060-.070 and the owner fails to request a hearing within the stated time period, the owner may nevertheless request a hearing on the creation or amount of the lien.

B. The hearing on the creation or amount of the lien must be requested in person or in writing not more than 25 days after the vehicle was towed and shall state the grounds upon which the person believes the creation of the lien is invalid or the amount unreasonable.

C. The provisions of BC 6.05.120 B shall apply.

6.05.140 Decision. If the municipal judge finds that custody and removal is:

A. Valid, the judge shall order the vehicle to be held in custody until the costs of the hearing and all towing and storage costs are paid by the person claiming the vehicle. If the vehicle has not yet been towed, the judge shall order it towed.

B. Invalid, the judge shall:

1. order the immediate release of the vehicle to the person claiming it;
2. order any immobilization, towing or storage costs already paid be refunded;
3. order the City to satisfy any immobilization, towing and storage charges the tower may require from the City;
4. order that the owner is not liable for immobilization, towing and storage charges occasioned by the taking. New storage costs will not

start to accrue until more than 24 hours after the time the vehicle is officially released by the judge's order to the person claiming the vehicle.

C. The order of the judge shall be in writing.

D. The action of the municipal judge is final and no appeal can be taken from it.

6.05.150 Failure to Appear.

A. If the person who requested the hearing does not appear at the hearing, the judge may enter an order supporting the removal and assessment of immobilization, towing and storage costs and apply security posted against the costs.

B. A person who fails to appear at a hearing is not entitled to another hearing on the same matter unless the person provides a satisfactory reason to the judge for failure to appear.

VEHICLE INVENTORY ORDINANCE

6.05.200 Short Title. BC 6.05.200 to 6.05.235 shall be known and may be cited as the Vehicle Inventory Ordinance and may also be referred to as "this ordinance." [BC 605.200 added by Ordinance No. 3951, 2/26/96]

6.05.205 Definitions. For the purpose of this ordinance, the following mean:

Officer - A police officer employed by the City of Beaverton or acting on behalf of the City of Beaverton.

Personal property - Every kind of property except land, tenements and fixtures.

Valuable personal property - Any cash, check, money order or other financial instrument, in any amount; any earring, necklace, non-prescription glasses, ring, watch, bracelet or other similar item of jewelry, regardless of the item's apparent value; and any other item of personal property that the person examining the item reasonably believes has a fair market value of \$500 or more.

Dangerous personal property - Any item of personal property that under the circumstances in which it is possessed is readily capable of causing physical injury.

Impounded vehicle - A vehicle seized from its owner or operator by or at the direction of the City or one of its employees, for a substantial period of time, under circumstances in which the City either must consent to its release or otherwise bears some responsibility for its protection, preservation or disposition.

For purposes of this ordinance, a vehicle shall not be considered an impounded vehicle if:

A. The vehicle is an abandoned vehicle as defined in BC 6.05.010; or

B. The City or one of its employees or agents facilitates the towing of a vehicle under the following circumstances:

1. The vehicle is towed by a person independent of the City to a place not under the authority or control of the City.

2. The vehicle may be returned to its operator or an owner of the vehicle without City authorization; and

3. The vehicle is towed either:

a. with the consent of its operator or an owner of the vehicle; or

b. at the direction of a person who:

(i) is not an owner or an operator of the vehicle; and

(ii) is not an employee or agent of the City; and

(iii) is an owner, tenant, occupant or person otherwise in lawful control of the property upon which the vehicle is located immediately prior to towing.

Closed container - A container the contents of which are not exposed to view.

Vehicle - Any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes a vehicle that is propelled or powered by any means.

Owner - When referring to the owner of a vehicle, the person or persons in whose name or names title to a vehicle is issued, and who is or are entitled to possession and use of the vehicle. For purposes of this ordinance, a security interest holder or lessor of a vehicle is an owner of the vehicle. [BC 6.05.205 added by Ordinance No. 3951, 2/26/96; amended by Ordinance No. 4223(12), 8/19/02]

6.05.210 Purpose. The inspection and inventory of the contents of impounded vehicles pursuant to this ordinance is intended to:

- A. Protect an owner's property while in custody of the City;
 - B. Protect the City, its employees and agents against claims or disputes over lost, stolen or damaged property; and
 - C. Protect City employees from potential danger.
- [BC 605.210 added by Ordinance No. 3951, 2/26/96]

6.05.215 Duty to inspect impounded vehicles. An officer shall inspect the exterior and interior of every lawfully impounded vehicle as provided in this ordinance.

[BC 605.215 added by Ordinance No. 3951, 2/26/96]

6.05.220 Timing of inspection. The inspection of a lawfully impounded vehicle shall occur prior to the vehicle's removal from the place where it is seized, unless exigent circumstances reasonably require that the inspection be delayed. In such exigent circumstances, the inspection shall occur as soon as practicable after the exigency has passed.

[BC 605.220 added by Ordinance No. 3951, 2/26/96]

6.05.225 Manner of inspection. The inspection of a lawfully impounded vehicle shall occur in the following manner:

A. An officer shall examine the exterior of the vehicle to determine if there is any readily apparent body damage.

B. An officer shall examine interior areas where personal property or dangerous items may reasonably be located. Interior areas shall include, but are not limited to:

1. The passenger compartment, including the center console, dashboard, glove box, door pockets, seat pockets, ash tray, sun visor and the areas behind and under the seats and floor mats;

2. An unlocked trunk;

3. An uncovered hatchback;

4. The open bed of a pickup truck; and

5. The area within any attached canopy, camper or car-top container openly accessible from either inside or outside of the vehicle.

C. An officer shall open and examine the following locked areas: glove box, trunk, center console, hatchback, canopy, camper, car-top container or similar area within or attached to a vehicle, if:

1. There is an openly accessible unlocking mechanism provided within the vehicle;

2. A key to the locked area will remain with the vehicle; or

3. A key to the locked area will be taken or withheld from the possession of an owner or occupant of the vehicle.

D. If the conditions set forth in subsection C of this section are not present, then the area shall remain locked and unopened.

E. The contents of a closed container found within a vehicle shall not be opened unless:

1. The officer reasonably believes that the closed container contains valuable or dangerous personal property;

2. An occupant of the vehicle wants to retain physical custody and control of the closed container; or

3. Opening the closed container is otherwise lawful.

F. Any objects found within an examined area or closed container that is opened for inspection pursuant to subsections B, C or E of this section, shall be scrutinized only to the extent necessary to complete an accurate inventory.

[BC 605.225 added by Ordinance No. 3951, 2/26/96]

6.05.230 Identification and Safekeeping of Property. As soon after the completion of an inspection of a lawfully impounded vehicle as is reasonably possible, an officer shall:

A. Make a written list of any body damage to the vehicle's exterior that reasonably appears to the officer to be damaged in excess of \$500.

B. Make a written list of all valuable and/or dangerous personal property found within the vehicle.

C. Remove from the vehicle the valuable and/or dangerous property listed in conjunction with the inspection.

D. Give to any occupant of the vehicle such property removed from the vehicle that the officer reasonably determines the occupant may rightfully possess, unless circumstances otherwise lawfully permit withholding the property from the person.

E. Take reasonable steps to safeguard the remaining property removed from the vehicle, and that is not returned to an occupant.

F. Note the disposition of all the valuable or dangerous personal property discovered during the inspection by recording who has physical custody of each item of valuable or dangerous personal property taken out of the vehicle.

G. Secure the vehicle in a reasonably appropriate manner to reduce the opportunity for unauthorized entry.

[BC 6.05.230 added by Ordinance No. 3951, 2/26/96]

6.05.235 Distribution of Property Receipts. The City shall maintain the original record of property and its disposition. A copy of such record shall be distributed as follows:

A. To the person in control of the vehicle. If that person is unknown or otherwise unavailable, the copy shall be left with the vehicle in a conspicuous place.

B. To any person taken into custody to whom the officer must tender a copy pursuant to ORS 133.455.

[BC 6.05.235 added by Ordinance No. 3951, 2/26/96]

6.05.240 Adoption of Administrative Policies or Procedures. The Beaverton Police department may adopt any necessary administrative procedures, rules or regulations to carry out this ordinance.

[BC 6.05.240 added by Ordinance No. 3951, 2/26/96]

TOWING OPERATORS

6.06.010 [BC 6.06.010, repealed by Ordinance No. 4146, 3/5/01]

6.06.020 [BC 6.06.020, repealed by Ordinance No. 4146, 3/5/01]

6.06.030 [BC 6.06.030, amended by Ordinance No. 3519, 6/19/86; repealed by Ordinance No. 4146, 3/5/01]

6.06.040 [BC 6.06.040, repealed by Ordinance No. 4146, 3/5/01]

6.06.050 [BC 6.06.050, repealed by Ordinance No. 4146, 3/5/01]

6.06.060 On-Call Rotation; City Contracts for Towing Services.

A. The primary purpose of this section is to authorize the creation of a reliable list of towing companies that are available on-call to provide quick and efficient towing services for the City. This section is not intended to authorize the creation of rules and regulations regarding

standards of towing service applicable to the general public.

B. To provide a workable and comprehensive policy regarding the towing and/or storage of abandoned, disabled, seized, stored or impounded vehicles from public or private property, the Mayor may adopt service standards to guide in the formation of contracts for towing services provided exclusively to the City, and not to the general public. These standards may include, but are not limited to, standards governing:

1. The establishment of a rotational list of towing companies and/or operators;

2. Requirements and standards for placement on the rotational towing list;

3. Requirements and standards for continued placement on the rotational towing list;

4. Grounds for and procedures governing removal from the rotational towing list; and

5. Any other matters pertaining to the administration of a rotational towing list maintained for the City's benefit.

C. The authority delegated by this section includes the authority of the mayor to enter into any intergovernmental agreement necessary or convenient to the establishment or maintenance of an on-call rotation towing list for non-consensual tows.

D. As used in this section, "non-consensual tows" are vehicle tows done at the City's request by a tow truck without the prior consent or authorization of the owner or operator of the vehicle. Non-consensual tows may include, but are not limited to, the towing and/or storage of abandoned, disabled, seized, stored or impounded vehicles from public or private property. [BC 6.06.060, amended by Ordinance No. 4146, 3/5/01]

6.06.070 [BC 6.06.070, repealed by Ordinance No. 4146, 3/5/01]

(Reserved)

TRUCK ROUTE

6.10.010 Short Title. BC 6.10.010 - .045 shall be known and may be cited as the "Truck Route Ordinance."

6.10.015 Definitions. As used in BC 6.10.010 - .045, the following terms have the following definitions:

"Truck" - means a motor vehicle that is primarily designed or used for carrying loads other than passengers and that has either (a) three or more axles or (b) a registration weight exceeding 20,000 lbs. The term "truck" includes a combination vehicle consisting of a truck tractor and one or more truck trailers.

"Registration Weight" - means the loaded weight required under ORS 803.430 to be declared and established as the maximum loaded weight at which certain vehicles may be operated on public roads.

"Truck Route" - means the following roadways and portions of roadways designated in the Comprehensive Plan within the City limits:

US 26 B Sunset Highway

Oregon Highway 217 B Beaverton-Tigard Highway

Oregon Highway 8 B Tualatin-Valley Highway and Canyon Road

Oregon Highway 10 B Farmington Road and Beaverton-

Hillsdale Highway
Scholls Ferry Road
Murray Boulevard between Sunset Highway and Scholls Ferry Road
Cornell Road south of Sunset Highway
158th Avenue and Merlo Road between 170th Avenue and Cornell Road
170th Avenue between Merlo Road and Oregon Highway 10
Jenkins Road between Murray Boulevard and the west City limits
Western Avenue
Allen Boulevard: Oregon Highway 217 to Scholls Ferry Road
Hall Boulevard: Oregon Highway 217 east to City limits
Oleson Road

"Road" - means any public way that is used or intended to be used by the general public for vehicular traffic. [BC 6.10.015, amended by Ordinance No. 4059, 9/15/99; Ordinance No. 4113, 6/26/00]

6.10.020 Trucks on Certain Roads Prohibited. Except as otherwise provided in BC 6.10.025, no person shall move or drive a truck on any road other than on a truck route.

6.10.025 Exemptions. BC 6.10.020 shall not apply to:

- A. Trucks owned by a federal, state or local government while being used for a public purpose.
- B. Trucks operated as emergency vehicles, as defined in ORS 801.260.
- C. Trucks operated on a detour approved by the City Engineer, Traffic Engineer or Public Works Director.

6.10.030 Defenses. It is a defense to a charge of violation of BC 6.10.020 if the person so charged can establish any of the following:

- A. That the person was going to a destination to make a pickup or delivery and could not reach the destination by using a truck route, but had used a truck route to reach the intersection closest to the destination.
- B. That the person was coming from a destination described in subsection A of this section and was directly headed to the closest truck route from the destination.
- C. That the person was coming from a destination described in subsection A of this section and was directly headed to another destination to make another pickup or delivery, and that the second destination was located closer to the first destination than the first destination was located to the closest truck route.

6.10.035 Weigh-in. Any peace officer may require a truck driver moving or driving a truck on [a] road other than a truck route to proceed to any available public or private scale for the purpose of weighing the truck.

6.10.040 Liability. In addition to any penalty that may be imposed under this ordinance, the owner and driver of a truck using a road in violation of this ordinance shall be jointly and severally liable to the City for all damages done as a result of the violation.

6.10.045 Penalties. Violation of section 6.10.020 is punishable by a fine not to exceed \$250. [BC 6.10.010 - .045, amended by Ordinance No. 3707, 2/26/90]